

September 21, 2004 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0268

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and
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Matoaca Magisterial District
9823 Woodpecker Road

REQUEST: Conditional Use to permit a business operated incidental to a dwelling unit in an Agricultural (A) District.

PROPOSED LAND USE:

A heating and air conditioning (HVAC) contractor's office and warehouse is currently being operated on site. The applicant proposes to continue use of the existing site for a maximum of two (2) years. (Proffered Condition 3)

RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land use fail to conform with the Southern and Western Area Plan which designates the request property as part of the Rural Conservation Area where activities should be limited primarily to agricultural and forestal uses with isolated single family residences permitted on lots larger than five (5) acres.
- B. The proposed land use is incompatible with existing and future area development.

(NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.

- B. IT SHOULD BE NOTED THAT REVISED PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THE REVISED PROFFERED CONDITIONS.)

PROFFERED CONDITIONS

1. Site Improvements. The business shall be located within the existing detached garage. There shall be no further additions or expansions to the existing building. (P)
2. Outside Storage. There shall be no outside storage permitted. (P)
3. Time Limitation. The contactor's office and warehouse shall be permitted for a maximum of two (2) years from the date of approval of this request. (P)

GENERAL INFORMATION

Location:

South line of Woodpecker Road, west of Nash Road and known as 9823 Woodpecker Road.
Tax ID 756-645-2919 (Sheet 33).

Existing Zoning:

Agricultural (A)

Size:

5.4 acres

Existing Land Use:

Single family dwelling and contractor's office and warehouse

Adjacent Zoning and Land Use:

North, South, East and West - A; Large-lot single family residential or vacant

UTILITIES

Public Water and Wastewater Systems:

Public water and wastewater is not available to serve this site. The existing structure is served by a private well and septic system. While use of public water and wastewater is required by County Code for structures authorized by Conditional Use granted after June 23, 1993 within the Rural Conservation Area of the Southern and Western Area Plan, the Code grants an exception for a use (home business) incidental to the principal use (a home) that was previously allowed with a private well and a septic system.

Private Well and Septic System:

The Health Department must approve any new well or septic system or expanded usage of any existing well or septic system to serve this site.

ENVIRONMENTAL

Drainage and Erosion:

This request will have a minimal impact on drainage and erosion.

PUBLIC FACILITIES

Fire Service:

The Phillips Volunteer Fire Station, Company Number 13, and the ambulance stationed at the Airport Fire Station currently provide fire protection and emergency medical service. This request will not impact fire and EMS.

Transportation:

The proposed development will have a minimal impact on the existing transportation network. The Thoroughfare Plan identifies Woodpecker Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicants are unwilling to dedicate forty-five (45) feet measured from the centerline of Woodpecker Road in accordance with that Plan.

LAND USE

Comprehensive Plan:

The request lies within the boundaries of the Southern and Western Area Plan which designates the request property as part of the Rural Conservation Area where activities

should be limited primarily to agricultural and forestal uses with isolated single family residences permitted on lots larger than five (5) acres.

Area Development Trends:

Surrounding properties are zoned Agricultural (A) and are occupied by single family residential uses on large lots or are vacant. It is anticipated that the area will remain agricultural and forested and that planned development will be deferred for twenty (20) years unless adequate provisions are made earlier for public infrastructure improvements.

Use and Time Limitations:

The applicants indicate that they have operated the heating and air conditioning (HVAC) contractor's office and warehouse on the request property for approximately eighteen (18) months. Should this request be approved, Proffered Condition 3 would permit the continued use of the request property for a maximum of two (2) years.

In addition, Proffered Condition 2 prohibits outside storage.

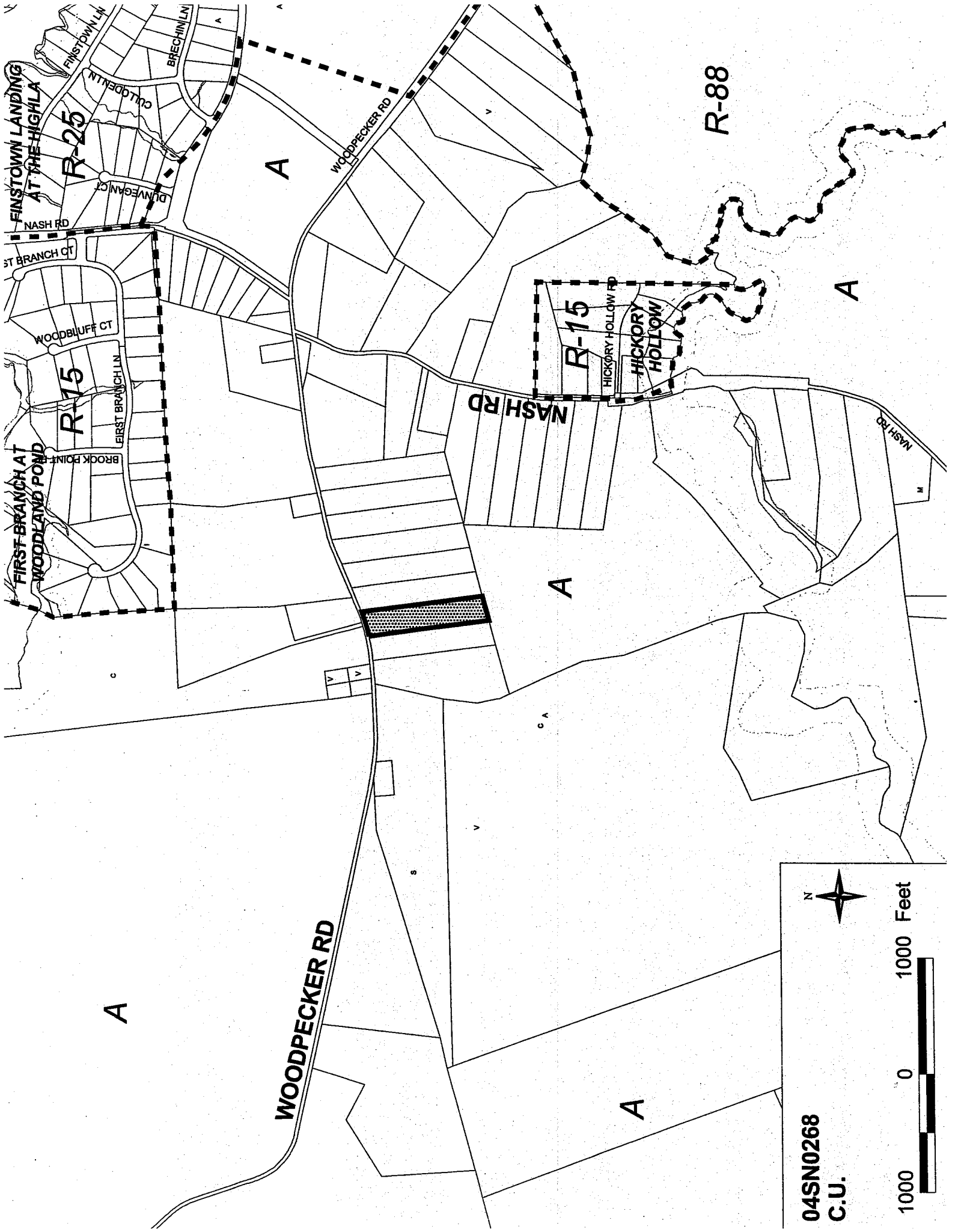
Site Design:

Development of the property must meet the minimum requirements for uses within the Agricultural (A) District. In addition, Proffered Condition 1 provides that the business will be conducted within the existing detached garage and no additions or alterations will be permitted to accommodate the use.

CONCLUSIONS

The proposed land use fails to conform with the Southern and Western Area Plan which designates the request property as part of the Rural Conservation Area where activities should be limited primarily to agricultural and forestal uses with isolated single family residences permitted on lots larger than five (5) acres. Further, the use is incompatible with existing and future area development.

Given these considerations, denial of this request is recommended.



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